

ASSEMBLY BILL

No. 1168

Introduced by Assembly Member Jones

February 23, 2007

An act to add Section 1798.88 to the Civil Code, to add Section 66018.5 to the Education Code, and to add Section 15705 to the Government Code, relating to social security numbers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1168, as introduced, Jones. Social security numbers.

(1) Existing law establishes the University of California, under the administration of the Regents of the University of California, the California State University, under the administration of the Trustees of the California State University, and the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and private, independent institutions of higher education as the 4 segments of postsecondary education in this state.

This bill would require, unless prohibited by federal law, all colleges and universities located in this state, at both the campus and systemwide levels, to truncate social security numbers in their electronic records so that no more than the last 4 digits of any social security number is displayed. The bill would authorize the Attorney General, or any affected resident of this state, to bring a civil action to enforce this provision.

(2) Existing law prohibits any person or entity from publicly posting or displaying in any manner an individual's social security number, printing an individual's social security number on any card required to access products or services, requiring an individual to transmit his or her social security number over the Internet, requiring an individual to use his or her social security number to access an Internet Web site, or

printing an individual's social security number on any materials that are mailed to the individual, with specified exceptions. Existing law provides that these prohibitions do not apply to documents that are recorded or required to be open to the public pursuant to the California Public Records Act.

The California Public Records Act requires state and local agencies to make their records available for public inspection unless a record is exempt from disclosure. The act exempts from disclosure, among others, any record that is a personnel, medical, or similar file the disclosure of which would constitute an unwarranted invasion of personal privacy.

This bill would provide that, notwithstanding these provisions, a local agency shall not disclose to the public any record that is required to be open to the public by any provision of law if that record displays more than the last four digits of any social security number. By creating a new standard for disclosure of records by local agencies, this bill would impose a state-mandated local program.

(3) Existing law establishes in state government the Franchise Tax Board to, among other duties, administer the Personal Income Tax Law and the Corporation Tax Law.

This bill would provide that, notwithstanding any other provision of law, unless prohibited by federal law, the board shall truncate social security numbers on lien abstracts and any other records created by the board that are disclosable under the California Public Records Act so that no more than the last four digits of any social security number are displayed.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.88 is added to the Civil Code, to
2 read:

1 1798.88. (a) Notwithstanding subdivision (c) of Section
2 1798.85 or any other provision of law, unless required by federal
3 law, a local agency shall not disclose to the public any record that
4 is required to be open to the public by any provision of law if the
5 record displays more than the last four digits of any social security
6 number.

7 SEC. 2. Section 66018.5 is added to the Education Code, to
8 read:

9 66018.5. (a) Notwithstanding any other provision of law,
10 unless prohibited by federal law, all colleges and universities
11 located in this state shall, at both the campus and systemwide
12 levels, truncate social security numbers in their electronic records
13 so that no more than the last four digits of any social security
14 number are displayed. Notwithstanding Section 67400, this section
15 shall apply to the University of California system and all of its
16 campuses.

17 (b) The Attorney General, or any affected resident of this state,
18 may bring a civil action to enforce this section.

19 SEC. 3. Section 15705 is added to the Government Code, to
20 read:

21 15705. Notwithstanding any other provision of law, unless
22 prohibited by federal law, the board shall truncate social security
23 numbers on lien abstracts and any other records created by the
24 board that are disclosable under Chapter 3.5 (commencing with
25 Section 6250) of Division 7 of Title 1 so that no more than the last
26 four digits of any social security number are displayed.

27 SEC. 4. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.